

MISCELLANEOUS CRIMINAL APPLICATION NO. 2603 OF 1997.

Date of decision: 24.6.1997

For approval and signature

The Honourable Mr. Justice R. R. Jain

Mr. B.G. Jani, advocate for the petitioner.

Mr. P.V. Hathi, advocate for the respondent No.1.

A.P.P. for the respondent No.2- State.

1. Whether Reporters of Local Papers may be allowed to see the judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of judgment? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

Coram: R.R.Jain,J.

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June 24, 1997.

Oral judgment:

Mr. Jani for the petitioner states that as per telephonic message received from his client, the matter has been settled between the parties and the memorandum of settlement has also been executed. According to the settlement, the dues of the petitioner/original accused, Prashant P. Shah have been paid by the respondent No.1/original complainant. It has also been agreed

between the parties that Criminal Case No. 385 of 1997 pending in the Court of learned Metropolitan Magistrate (Court No.19), Ahmedabad, is to be withdrawn and as a consequence thereof the present petition, i.e., Misc. Criminal Application No. 2603 of 1997 would not survive and shall also stand disposed of as withdrawn.

Mr. Hathi, learned advocate for the respondent No.1 subscribes to the submissions made by Mr. Jani for the petitioner and also places on record xerox copy of the memorandum of settlement dated 14.6.1997 executed between the parties. In view of this settlement, the present petition shall not survive.

In the result, the petition stands disposed of as withdrawn. Rule is discharged. Interim relief in terms of para 19 (B) shall stand vacated so as to enable the original complainant to withdraw at the earliest.